

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v. Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

MOTION TO SUPPLEMENT MOTION FOR PROTECTIVE ORDER

Now comes the Plaintiff, and moves this Court to supplement his Motion for a Protective Order electronically filed on September 29, 2006, as docket entry number 29 and scheduled to be heard before Magistrate Marianne B. Bowler on December 4, 2006.

The Plaintiff requests that if the Court does not allow his Motion for a Protective Order, that the Court order the Defendant to limit the examination of the Plaintiff, at any further deposition, as outlined below:

1. That the Defendant obtain an authenticated copy of the minutes from the correct executive session of the Plymouth Retirement Board, concerning Mr. Botieri's complaint against Mr. Kelley, Mr. Kelley will testify at a deposition regarding Mr. Botieri's complaint and aforesaid minutes.
2. That the scope of the examination be limited to Mr. Botieri's complaint and no examination regarding the Retirement Board's travel and conference schedules or practices related to such travel shall be a topic for examination of Mr. Kelley regarding same. Further there will be no examination of Mr. Kelley regarding alleged fraud on the part of the Retirement Board concerning the approval of Mr. Kelley's application for retirement, based on a disability due to his heart condition and his injury on duty, as

alleged in Defendant's memo in opposition to the Plaintiff's motion for a protective order.

3. That the portion of the deposition regarding Mr. Botieri's complaint be impounded by the Court and order a nondisclosure of any part of that testimony to the general public and especially to the press. The object of this nondisclosure order and impounding of that portion of the deposition transcript is to prevent the Defendant and any media from using said testimony to further smear and damage the reputation of Mr. Kelley.

The Plaintiff requests that this Motion to Supplement be heard on Monday, December 4, 2006, at 2:00 p.m. before Magistrate Marianne B. Bowler, along with the previous Motions scheduled for hearing at that time.

Respectfully Submitted,
The Plaintiff,
by his attorneys,

/s/ Joseph R. Gallitano
Joseph R. Gallitano, Esq.
BBO # 183700
34 Main Street Ext., Suite 202
Plymouth MA 02360
(508) 746-1500

/s/ Richard D. Armstrong
Richard D. Armstrong, Jr., PC
BBO # 021580
1400 Hancock Street
3rd Floor
Quincy, MA 02169
(617) 471-4400

Dated: November 17, 2006